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Attorneys for Lubbock, Texas -  
Highland Medical Center, L.P.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

In Re:	§	
	§	
Lubbock, Texas - Highland Medical Center, L.P.,	§	Case No. 08-50202-rlj11
	§	Chapter 11 Proceeding
Debtor.	§	Hearing: September 23, 2008 at 1:30 p.m.

**DEBTOR'S MOTION FOR REHEARING PURSUANT TO RULE 59 UNDER  
FEDERAL RULES OF CIVIL PROCEDURE**

Comes Now Lubbock, Texas - Highland Medical Center, L.P., the Debtor in Possession in the above-referenced bankruptcy case and files this its *Motion for Rehearing* on the Order entered by this Court on August 8, 2008, entitled *Order Vacating Order Approving Debtor's Emergency Motion for Authority to Incur Up to \$150,000.00 in Debt with Administrative Expense Priority*, pursuant to Rule 59 under Federal Rules of Civil Procedure, and in support of its motion would respectfully show the Court as follows:

1. Lubbock, Texas - Highland Medical Center, L.P. (hereinafter "Highland Medical Center" or Debtor" or "Hospital"), filed for relief under Chapter 11 of the Bankruptcy Code on May 31, 2008, and is currently operating as a debtor in possession. Jurisdiction arises under 28 U.S.C. §§ 1334 and 157(b)(2).
2. On August 8, 2008, the Court entered its *Order Vacating Order Approving Debtor's Emergency Motion for Authority to Incur Up to \$150,000.00 in Debt with Administrative Expense Priority* wherein the Court found that Debtor's counsel, Mr. Max Tarbox, acted both improperly and without good faith by his submitting of a "materially different" order to the Court. The Court made its conclusions and

findings which had the effect of directly implicating Mr. Tarbox's character and integrity without the benefit of a hearing or otherwise granting counsel any opportunity to explain his actions to the Court.

Wherefore, the Debtor's counsel would respectfully request that the Court reconsider its *Order Vacating Order Approving Debtor's Emergency Motion for Authority to Incur Up to \$150,000.00 in Debt with Administrative Expense Priority* as to only its findings with regards to the actions of Debtor's counsel in this matter, and such other and further relief as the Court may deem just and proper.

Date: August 15, 2008

Respectfully submitted,

McWhorter, Cobb & Johnson, LLP  
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(806)762-0214; FAX (806)762-8014

By: /s/ Max R. Tarbox  
Max R. Tarbox  
State Bar No. 19639950  
Attorneys for Debtor

#### CERTIFICATE OF SERVICE

I, Max R. Tarbox, do hereby certify that a true and correct copy of the foregoing *Motion* was served by either court enabled electronic service or regular first class U. S. Mail upon the following listed parties on this 15<sup>th</sup> day of August, 2008:

1. U.S. Trustee  
1100 Commerce Street  
Room 976  
Dallas, TX 75242-1496
2. Highland Medical Center  
2412 50<sup>th</sup> Street  
Lubbock, TX 79408
- 3 All parties in interest registered with the  
U. S. Bankruptcy Court to receive electronic  
notices in this case.

/s/ Max R. Tarbox  
Max R. Tarbox